

PATENT  
10/023,407

## C. REMARKS

### *Status of Claims*

Claims 1-36, 49, and 50 are cancelled. Claims 37-46 are withdrawn responsive to an election following a restriction by the Examiner. Claims 47, 48, 51, and 52 remain pending in the application. Claims 47 and 48 are amended. Claims 53-56 are newly added.

### *Interview Summary*

On March 8, 2005 at 10 AM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Barry Taylor. No exhibits were shown, nor demonstrations conducted.

Applicants' representative and the Examiner discussed claims 30, 33, and 36. The prior art cited against claims 30, 33, and 36 is the US Patent to Swope et al. (U.S. Patent 6,639,977 hereinafter Swope) in view of Farris et al (US Patent 6,122,357 hereinafter Farris). In particular, Claims 30, 33, and 36 are rejected on the grounds that "Farris shows authenticating both calling party and callee party from central location (see subscribers identified column 7-8, col. 11 lines 32-42, col. 35 lines 18-40)." [Office Action, p. 6] Claim 30 teaches that accessing a billing plan further comprises accessing said billing plan according to said authenticated identity from at least one data storage system outside a trusted telephone network, wherein a secure communication channel is established between said trusted telephone network and said at least one data storage system outside said trusted telephone network. Applicants' representative asserted that the reference to a "central location" by the Examiner does not teach or suggest accessing a billing plan from a data storage system outside a trusted telephone network, wherein a secure communication channel is established between the trusted telephone network and the data storage system outside the trusted telephone network. Further, Applicants' representative noted that the system described in Farris is not described as anything other than a trusted telephone network; Figure 1 of Applicants' invention clarifies that the functions described in Farris are performed within PSTN 10, a trusted telephone network. Applicants' representative

AUS920010839US1

6

PATENT  
10/023,407

requested clarification of what teaching of Farris the Examiner relies on as teaching “accessing a data storage system outside a trusted telephone network through a secure communication channel.” In response, the Examiner asserted that Farris teaches the claimed element starting at col. 10 line 50. In addition, in response, the Examiner asserted that the gateways described in the present invention are inherently taught by the hubbing system in Swope. In particular, the Examiner cited Swope as teaching a gateway that is required to verify calling card information and that the references cited by Swope show that it is well known to use a gateway to verify an outside system. Further, in reference to Swope, the Examiner cited that the prison application of Swope teaches the claimed invention because a remote IP is required to give functionality to the system and the remote IP is outside the PSTN because it is only used by the prison system. Applicants’ representative argued that the remote IP was still part of the trusted telephone network because there is no indication that an additional security protocol is implemented in the communications between the remote IP and the PSTN switching system. Additionally, Applicants’ representative argued that hubs and accessing additional intelligent peripherals (IP) are known, but that accessing independent telephony services from outside a trusted network, where a solution to ensure the security of the transmission is required, is not known and that the Examiner does not point to a teaching of a secure communication channel. In conclusion, no agreement with respect to the claims was reached. Applicants are filing this response with additional arguments for further review by the Examiner.

In addition, Applicants’ representative and Examiner Taylor discussed claim 52. The Examiner rejects claim 52 on the grounds that “Farris further shows service provider used for billing (col. 11, lines 32-42, col. 35 lines 18-40).” [Office Action, p. 6] Claim 52 teaches that said billing request is received at a billing service executing outside a trusted telephone network processing said call via a secure channel to said trusted telephone network. As with claims 30, 33, and 36, Applicants’ representative requested clarification of what teaching of Farris the Examiner relies on as teaching a billing service executing outside a trusted telephone network that receives a billing request via a secure channel to the trusted telephone network processing the call. The Examiner stated that the same arguments that applied to claims 30, 33, and 36

AUS920010839US1

7

PATENT  
10/023,407

apply also to claim 52. In conclusion, no agreement with respect to the claim was reached. Applicants are filing this response with additional arguments for further review by the Examiner.

Further, Applicants' representative and Examiner Taylor discussed claims 49-50. Claims 49 and 50 are rejected on the grounds that "Farris further teaches transferring funds from parent's account to child's account (col. 10 lines 1-10, col. 11 lines 32-42, col. 12 line 65-col. 13 line 60, col. 35 lines 18-40)." [Office Action, p. 6] Claim 49 teaches the element wherein said billing request comprises a request for a fund transfer from said callee to said caller. Claim 50 teaches the element wherein said billing request comprises a request for a fund transfer from said callee to said caller for a purchase by said callee from said caller. Applicants' representative noted that Farris teaches that a parent may designate that calls of a child from a college dorm should be billed to the parent's account, but does not teach transferring funds from one account to another. Further, Applicants' representative asserted that the Examiner's interpretation that the claims teach transferring funds from one account to another independent of a caller/callee relationship is incorrect. The Examiner responded that claim 47, upon which claims 49 and 50 are dependent, needs clarification and that the claim reads on one account with multiple sub-accounts. In addition, the Examiner cited col. 3 of Swope as teaching reverse billing from one account to another where a credit card or billing plan are implemented. Applicants' representative asserted that one account with multiple sub-accounts is distinguishable from a caller initiated reverse billing system where there is actually a transfer of funds from the callee to the caller. In conclusion, no agreement with respect to the claims was reached. Applicants are filing this response with additional arguments for further review by the Examiner.

***35 USC § 103(a)***

**Claims 1-36 and 47-52**

The Office Action dated January 5, 2005 rejects claims 1-36 and 47-52 under 35 U.S.C. §103(a) as being allegedly unpatentable over Swope in view of Farris. [Office Action, p. 2] The

AUS920010839US1

8

PATENT  
10/023,407

rejection is respectfully traversed as to claims 47, 48, 50 and 51. Claims 1-36, 49, and 50 are cancelled.

Claims 47 and 48

With regards to claim 47, claim 47 reads as follows:

47.(Currently Amended) A method for controlling billing transactions, comprising:

receiving a billing request from a caller during a call, wherein said billing request comprises a request for a fund transfer to said caller from a callee who answered said call, wherein said billing request comprises a[n] voice authenticated callee identifier [identity] for said callee and a callee account provider identifier for said callee, wherein said voice authenticated callee identifier identifies a device that authenticated said callee identity through a voice sample provided by said callee during said call; and

accessing payment for said billing request from a particular account provider designated by said callee account provider identifier and according to said voice authenticated callee identifier [identity], such that said caller is enabled to request said fund transfer during said call with only said voice authenticated callee identifier and said callee account provider identifier.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). The Examiner originally rejects claim 47 on the grounds that "Farris further shows routing call to service provider (col. 11 lines 32-42, col. 35 lines 18-40)." [Office Action, p. 6] Applications respectfully assert that Farris' teaching of merely routing calls to a service provider does not teach receiving a billing request from a caller during a call, wherein said billing request comprises an authenticated callee identity and a callee account provider identifier and accessing payment for said billing request from said callee account provider and according to said authenticated callee identifier. Col. 11 lines 32-42 teaches an intelligent peripheral (IP) that performs speaker identification and verification of a caller or callee. Col. 35 lines 18-40 teach replacing a subscriber profile with a profile for the  
AUS920010839US1

PATENT  
10/023,407

actual caller, where the profile regulates incoming and outgoing calls based on the identifies of the caller or callee and whether the substituted profile allows calls from the caller or to the callee. Farris does not teach routing calls to a service provider and the service provider responding to billing requests. Therefore, because Farris does not teach, nor does the Examiner show how Farris teaches any of the elements of claim 47, prima facie obviousness is not established for claim 47.

Applicants, however, note that in the Interview, the Examiner pointed out several ambiguities in claim 47, such as whether there is a single account with multiple sub-accounts and whether Swope's system of reverse billing from a credit card would read on claim 47. Applicants therefore amend claim 47 to clarify claim 47 and respectfully request allowance of amended claim 47.

First, Applicants amend claim 47 to clarify that the billing request is for a fund transfer from the callee answering a call to the caller placing the call. Claim 49, now cancelled, specified that the billing request is for a fund transfer from the callee to the caller. The Examiner previously rejected claim 49 on the grounds that "Farris further teaches transferring funds from parent's account to child's account (col. 10 lines 1-10, col. 11 lines 32-42, col. 12 line 65-col. 13 line 60, col. 35 lines 18-40)." [Office Action, p. 6] Applicants first note, as was noted in the interview, that Farris teaches in col. 12 line 65-col. 13 line 60 that a parent may designate that calls of a child from a college dorm should be billed to the parent's account, but does not teach transferring funds from one account to another. Thus, the Examiner's statement that Farris teaches transferring funds is incorrect. In addition, Applicants note that the Examiner's rejection of claim 49 fails to present prior art that teaches the transfer of funds from a callee to a caller, where a caller/callee relationship is established during a call. Therefore, because Farris does not teach the billing request comprising a request for a fund transfer from said callee to said caller, prima facie obviousness is not established for claim 49, alone or in combination with claim 47.

Second, Applicants amend claim 47 to clarify that the authenticated callee identity is a voice authenticated callee identifier that indicates the device that performed the voice authentication and that the callee account provider identifier identifies a particular account

AUS920010839US1

10

PATENT  
10/023,407

service provider from which payment is accessed. In particular the specification, page 29, line 1 through page 33 line 9 describes the types of devices and service providers that may perform voice authentication of a callee and the voice authenticated callee identifier, described as an RVID in the specification.

Third, Applicants amend claim 47 to clarify that the billing transaction is controlled such that said caller is enabled to request said fund transfer during said call with only said voice authenticated callee identifier and said callee account provider identifier. In particular, the specification, page 46, lines 19-21 describes that by controlling billing transactions using a voice authenticated callee identifier and callee account provider identifier alone, "payer and payee account information is protected from any entity except billing service 60, which is preferably a secure service." In addition, the specification, page 47, lines 19-22, describes that by controlling billing transactions using a voice authenticated callee identifier and callee account provider identifier alone, a telemarketing company may receive payment from a callee without requiring the callee to provide a credit card number or other direct account number.

In conclusion, Applicants respectfully request reconsideration and allowance of claim 47 in view of the amendments for clarifying that billing transactions from a callee to a caller are initiated through a billing request with the callee's voice authenticated callee identifier with the authenticating device for that call and the callee's account provider identifier, independent of account numbers.

With regard to claim 48, claim 48 reads as follows:

48.(Currently Amended) The method for controlling billing transactions according to claim 47, further comprising:

transferring said payment to a caller account provider for said caller according to an authenticated caller identity of said caller.

Applicants note that the Examiner rejected claim 48 on the same grounds as claim 48: "Farris shows routing a call to a service provider". Applicants respectfully note that the Examiner's rejection does not show how Farris teaches, nor does Farris teach transferring payment to a caller account provider according to an authenticated caller identity. Further, when

AUS920010839US1

11

PATENT  
10/023,407

taken in combination with claim 47, Farris does not teach transferring the payment from a callee account provider accessed according to an authenticated callee identifier to a caller account provider according to an authenticated caller identity. Therefore, because Farris does not teach, nor does the Examiner show how Farris teaches any of the elements of claim 48, prima facie obviousness is not established for claim 48.

Following the amendments to claim 47, for purposes of clarification, Applicants amend claim 48 to clarify that the caller account provider is for the caller and the authenticated caller identity is that of the caller.

Claims 51 and 52

With regards to claims 51 and 52, Applicants note the above proposition that claim 47 is not obvious under Swope in view of Farris, and therefore as a dependent claim of allowable subject matter, claims 51 and 52 should also be allowed.

*Newly Added Claims*

Applicants add system claims 53 and 54 and program claims 55 and 56, mirroring method claims 47 and 48 respectively. Applicants respectfully request allowance of system claims 53 and 54 and program claims 55 and 56 for the same reasons as requested for allowance of claims 47 and 48 of similarly recited subject matter.

AUS920010839US1

12

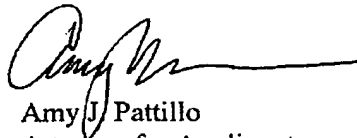
PATENT  
10/023,407

***Conclusion***

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims are respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,



Amy J. Pattillo  
Attorney for Applicants  
Reg. No 46,983  
P.O. Box 161327  
Austin, Tx 78716  
512.402.9820 *vox*  
512.306.0417 *fax*

AUS920010839US1

13